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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/171,018	10/07/1998	JOSEPH B VOLPE	6178-9	7540
7590	04/23/2004		EXAMINER	YE, LIN
Zito tlp 26005 Ridge Road Suite 203 Damascus, MD 20872			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/171,018

Applicant(s)

VOLPE, JOSEPH B

Examiner

Lin Ye

Art Unit

2612

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 25 February 2004.  
2a) This action is FINAL.                            2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1,2,4,5,13 and 16-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1,2,4,5,13 and 16-30 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Appeal Brief***

1. Applicant's Appeal Brief filed on 2/25/04 has been fully considered. The examiner has realized that the reference for supporting the obvious statement to have more than one trainee operating the optical devices single real time was not cited in the First Office Action mailed on 6/5/02. Therefore, the rejection has been withdrawn. The examiner apologizes to the applicant for any delay of the processes. The examiner decides to reopen prosecution and update the search. Since a new ground of rejection is being applied against claims 1,2,4,5,13, and 16-30, this action is not made final.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 (line 14) and claim 18 (line 2), both recite the limitation "an encoder". Is the "encoder" in claim 18 same as with "encoder" in claim 1, or claim 18 recites a different "encoder"?

Appropriate correction is required.

For art rejection purpose, the claims 1 and 8 are considered as one claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 5, 13, 17-18, 21, 23-24, 26, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harmon et al. U.S. Patent 4,232,456 in view of Saitoh et al. U.S. Patent 4,777,526 and Baxter et al. U.S. Patent 5,486,853.

Referring to claims 1 and 18, the Harmon reference discloses in Figures 1-2, a real time, and multiple path imaging system, comprising: an independent optical viewing device (tracking telescope 21, see Col. 3, line 65) having at least one optical viewing path viewed through an eyepiece as shown in Figure 2; a beam splitter (24, see Col. 4, lines 2-3) removably attached to said optical viewing device (21), wherein the beam splitter divides the at least one optical viewing path into a first and a second optical viewing path into a first and a second optical viewing paths; an electronic video imaging device (television camera 26, see Col. 4, lines 5-6) that receives an optical image from the second split beam path and converts the optical image into an electronic image signal, wherein the video imaging device (26) is removably attached in alignment with the eyepiece without internal modification of the basic optical viewing device and adjustable to accommodate varying size of eyepieces (e.g., in Figure 2, it shows the optical viewing device 21, TV camera 26 and beam splitter 24 are

independently attached into optical system 14. This can be considered as each of three elements are freely removable or adjustable without modifying others); a camera control unit (computing and control circuitry 17, see Col. 3, lines 39-40) coupled to said video imaging device for creating a real time video signal representing images in said second optical viewing path (See Col. 3, lines 35-48). However, the Harmon reference does not explicitly states the video signals are transmitted to monitor 19 or remote control and display panel 18 whether by wireless or cable. The reference also does not explicitly show a remote receiver (such as remote monitor station) can receive plurality of video signals from a plurality of camera control units and be able to distinguish between them.

The Saitoh reference discloses in Figure 1, the image system including a plurality of video cameras (4a, 4b and 4c, see Col. 4, line 2), a plurality of camera control units (modulators 5a, 5b, 5c, see Col. 4, lines 6-10), a plurality of wireless transmitters (6a, 6b, 6c), and remote receiver (11, see Col. 5, lines 1-4). The Saitoh reference is evidence the one of ordinary skill in the art at the time to see more advantage for the remote monitor receiver system can wirelessly receive video from plurality of camera control units and distinguish them in difference channels so that can be minimal the cost for the number and length of the cable lines and satisfactory recoding video information for a variety of monitoring areas (See Col 1, lines 37-45, clearly sets forth the motivation). For that reason, it would have been obvious to see the remote receiver of imaging system can receive and distinguish between a pluralities of video signals wirelessly transmitted from a plurality of camera control units disclosed by Harmon.

The Harmon and Saitoh reference does not explicitly states the camera control unit includes an encoder for adding source identifying information as a unique identification code to the electronic image signal.

The Baxter reference discloses in Figure 8 and 9, the imaging system includes a encoder (processor 70) adds camera identification to the electronic image signal and transmits to computer 16 (See Col. 7, lines 62-68). The Baxter reference is evidence to one of ordinary skill in the art to see the advantage to avoiding using larger bandwidth (more channels in wireless or connectors in cable) for transmitting a plurality of video signals when a limited bandwidth are allowed. The Baxter's image system uses an encoder adds camera-identifying information within video signals so that a plurality of video signals can be easily distinguished by remote receive through only a single channel (See Col.2, lines 1-21 and Col.7, lines 42-67, clearly sets forth the motivation). For that reason, it would have been obvious to see the camera control unit includes an encoder for adding source identifying information as a unique identification code to the electronic image signal disclosed by Harmon.

Referring to claim 2, the Harmon reference discloses imaging system comprising an eyepiece terminates at least one of at least one optical viewing paths, said beam splitter (24) being aligned with said eyepiece as shown in Figure 2.

Referring to claim 5, the Saitoh reference discloses wherein said video signals are distinguishable from one another by respective transmission carrier frequencies transmitted by said camera control unit (See Col. 4, lines 6-15 and Col. 5, lines 1-5).

Referring to claim 13, the Harmon reference discloses a viewing screen (TV monitor 19) connected to the receiver, and terminating said second split beam path, said viewing screen having a viewing surface on which said second split beam path is substantially centrally (the arrow line is represent the beam path) is in disposed as shown in Figure 2.

Referring to claim 17, the Harmon reference discloses the optical viewing device is monocular (telescope 21).

Referring to claim 21, the Saitoh reference discloses a decoder (receiver circuit 9) in the receiver to decode (demodulate) the encoded electronic video signal, wherein the decoder and receiver supply a base band video signal to an output device (See Col. 4, lines 35-46).

Referring to claims 23 and 24, the Harmon, Saitoh and Baxter references disclose all subject matter as discussed with respected to same comment as with claim 1.

Referring to claim 26, the Harmon, Saitoh and Baxter references disclose all subject matter as discussed with respected to same comment as with claim 5.

Referring to claim 29, the Harmon, Saitoh and Baxter references disclose all subject matter as discussed with respected to same comment as with claim 21.

6. Claims 4 and 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harmon et al. U.S. Patent 4,232,456 in view of Saitoh et al. U.S. Patent 4,777,526 and Baxter et al. U.S. Patent 5,486,853 and McClintock U.S. Patent 5,598,208.

Referring to claims 4 and 25, the Harmon, Saitoh and Baxter references disclose all subject matter as discussed in respected claims 1 and 23, except the references do not explicitly states video signals are distinguishable from one another by data in an on screen display.

The McClintock reference discloses in Figures 3, 9 and 10, the remote receive of imaging system can distinguish the video signals fro one another by data in an on screen display added to said respective video signals by said camera control unit (the split screen 266, see Col. 9, lines 46-53). The McClintock reference is evidence to one of ordinary skill in the art to see the advantage that the user can monitor a split screen display of all views simultaneously and choose via the record control panel which view to record to customize desired version of an event on a user's topic (See Col. 9, lines 54-67 and Col.10, lines 1-5, clearly sets forth the motivation). For that reason, it would have been obvious to one of ordinary skill in the art at the time to see video signals are distinguishable from one another by data in an on screen display by said camera control unit disclosed by Harmon.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harmon et al. U.S. Patent 4,232,456 in view of Saitoh et al. U.S. Patent 4,777,526 and Baxter et al. U.S. Patent 5,486,853 and Jenkins et al. U.S. Patent 5,644,386.

Referring to claim 16, the Harmon, Saitoh and Baxter references disclose all subject matter as discussed in respected claim 1, except the references do not explicitly states the wireless transmission comprises a satellite link instead of radio link and the data represents information from a global positions sensor.

The Jenkins reference discloses in Figure 1, a system (10) shown for producing, processing, displaying, and transmitting images of one or more targets in a target scene 12. A Global Positioning System (GPS) transmitter (18) transmits a signal fro providing accurate position data for the vehicle (14). The processing center (17) manipulates the resulting data into packets of information and transmits these packets of information by a limited

bandwidth communications link (20) to a remote site (22) for display on a display (24) (See Col. 3, lines 49-68). The Jenkins reference is evidence to one of ordinary skill in the art to see the advantage that the remote viewer can communicate with the operators without the distance limitation and provide high quality imaging digital data and accurate target position data in real time. For that reason, it would have been obvious to one of ordinary skill in the art at the time to see wireless transmission comprises a satellite link disclosed by Harmon.

8. Claims 19-20 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harmon et al. U.S. Patent 4,232,456 in view of Saitoh et al. U.S. Patent 4,777,526 and Baxter et al. U.S. Patent 5,486,853 and Piety et al. U.S. Patent 5,637,871.

Referring to claims 19-20 and 27-28, the Harmon, Saitoh and Baxter references disclose all subject matter as discussed in respected claims 1, 18 and 23, except the references do not explicitly states the source identifying information with video displays on screen and a key pad decoder adds the identifying information to the video signal.

The Piety reference discloses in Figures 4 and 5, an imaging system has a hardware keypad for enabling the user to add identification information, such time and date to video image signal and display the source identifying information with video on user interface screen (300) (See Col. 11, lines 49-55 and Col10, lines 25-30). The Piety reference is evidence to one of ordinary skill in the art to see the advantage that This would been an advantage to has key pad decoder for entering user's desired source unique identification of camera to the video image data and transmit to remote screen which user can identify the information on the display. For that reason, it would have been obvious to see the camera control unit (5) includes an key pad decoder for adding source identifying information as a

unique identification code to the electronic image signal and displaying both data on the screen disclosed by Harmon.

9. Claims 22 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harmon et al. U.S. Patent 4,232,456 in view of Saitoh et al. U.S. Patent 4,777,526 and Baxter et al. U.S. Patent 5,486,853 and McClenahan et al. U.S. Statutory Invention Registration H1,891.

Referring to claims 22 and 30, the Harmon, Saitoh and Baxter references disclose all subject matter as discussed in respected claims 1 and 23, except the Harmon reference does not explicitly show the detail of physical structure diagram of the image system instead of the circuit diagram.

The McClenahan reference clearly shows in Figure 1, a viewing devices comprises the beam splitter and the electronic video imaging device are mounted in a circular member having an inner ring that removably attaches to the eyepiece of the optical viewing device, wherein the ring is replaceable with alternate rings of varying diameter to accommodate varying diameters of alternate eyepieces (See Col. 3, lines 10-25). The McClenahan reference is evidence to one of ordinary skill in the art to see the advantage that the image system designed by the way discussed above so that the system can be quickly and easily attached to and removed from a weapon system and also easily operate and maintain (See Col. 9, lines 6-14, clearly sets forth the motivation). For that reason, it would have been obvious to see the image system has the beam splitter and the electronic video imaging device are mounted in a circular member having an inner ring that removably attaches to the eyepiece of the optical viewing device, wherein the ring is replaceable with alternate rings of

varying diameter to accommodate varying diameters of alternate eyepieces disclosed by Harmon.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is **(703) 305-3250**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy R Garber** can be reached on **(703) 305-4929**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
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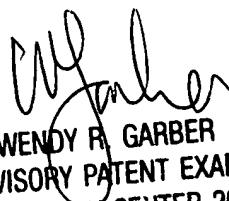
**Or faxed to:**

**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is **(703) 306-0377**.

Lin Ye  
April 8, 2004

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600